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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DAVID HOWELL,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:18-cv-00273-MMD-WGC

ORDER

**I. Discussion**

On April 22, 2019, Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), filed a first amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 12). Plaintiff subsequently filed a motion to amend the complaint. (ECF No. 15). That motion did not include a complete complaint. It merely included language that purported to amend a cause of action. (*Id.*) Plaintiff is required to attach an amended complaint that is complete in and of itself without reference to the prior amendment. Nevada Local Rule of Practice LR 15-1. The Court therefore denies the motion to amend the complaint and grants Plaintiff leave to file a complete second amended complaint that includes the allegations from the motion to amend with the allegations from the first amended complaint. Plaintiff may not amend the first amended complaint to include factual allegations and defendants unrelated to the first amended complaint, and he may not include allegations regarding events that have taken place since he filed the first amended complaint; the Court will dismiss any such allegations.

1 The Court notes that, if Plaintiff chooses to file a complete second amended  
2 complaint, Plaintiff shall file that second amended complaint within thirty (30) days from  
3 the date of entry of this order. If Plaintiff chooses not to file a complete amended  
4 complaint, the Court will screen Plaintiff's first amended complaint (ECF No. 12) only.

5 If Plaintiff chooses to file a complete second amended complaint, he is advised that  
6 an amended complaint supersedes (replaces) an earlier complaint and, thus, the second  
7 amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard*  
8 *Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Plaintiff should file any second  
9 amended complaint on this Court's approved prisoner civil rights form and it must be  
10 entitled "Second Amended Complaint."

## 11 **II. Conclusion**

12 It is therefore ordered that Plaintiff's motion to amend the first amended complaint  
13 (ECF No. 15) is denied with leave to file a second amended complaint as outlined in this  
14 order.

15 It is further ordered that, if Plaintiff chooses to file a second amended complaint, as  
16 outlined in this order, Plaintiff shall file the complete second amended complaint within  
17 thirty (30) days from the date of entry of this order.

18 It is further ordered that the Clerk of the Court shall send to Plaintiff the approved  
19 form for filing a § 1983 complaint, instructions for the same, a copy of his first amended  
20 complaint (ECF No. 12), and a copy of his motion to amend the complaint (ECF No. 15). If  
21 Plaintiff chooses to file a second amended complaint, he should use the approved form  
22 and he shall write the words "Second Amended" above the words "Civil Rights Complaint"  
23 in the caption.

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It is further ordered that, if Plaintiff does not file a second amended complaint within thirty (30) days, the Court will screen Plaintiff's first amended complaint (ECF No. 12) only.

DATED: February 3, 2020.

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE